

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAMEKA SPEED,	:	CIVIL ACTION
Plaintiff,	:	
	:	No. 14-0286
v.	:	
	:	
WES HEALTH SYSTEM,	:	
Defendant.	:	

MEMORANDUM ORDER

This 21st day of December, 2015, upon consideration of Defendant’s Motion for Partial Summary Judgment pursuant to Fed. R. Civ. P. 56, Plaintiff’s Opposition thereto, and following the Court’s comprehensive review of all supporting papers and exhibits, including but not limited to: Plaintiff’s deposition transcript; an excerpt from Defendant’s Employee Handbook; correspondence from Defendant’s Senior Human Resources Manager, Sharon Mackin, explaining the decision to discharge Plaintiff; Plaintiff’s Written Statement dated April 12, 2013; and select portions from the deposition transcripts of Rashida Bradley, Kevin Wimberly, and Sharon Mackin, I find that there are genuine disputes as to material facts that would allow a reasonable juror to rule in Plaintiff’s favor, thereby precluding judgment as a matter of law. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (“Summary judgment will not lie if the dispute about a material fact is ‘genuine,’ that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.”).

“[A]t the summary judgment stage the judge's function is not himself to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” *Id.* at 249; *Big Apple BMW, Inc. v. BMW of N. Am., Inc.*, 974 F.2d 1358, 1362–63 (3d Cir. 1992). “Credibility determinations, the weighing of the evidence, and the drawing of

legitimate inferences from the facts are jury functions . . . The evidence of the non-movant is to be believed, and all justifiable inferences are to be drawn in his favor.” *Anderson*, 477 U.S. at 255. Thus, at this juncture, it is appropriate for a jury to assess the credibility of the parties and their witnesses and weigh the evidence accordingly.

Based on the foregoing, it is hereby **ORDERED** that Defendant’s Motion for Partial Summary Judgment is **DENIED**.

/s/ Gerald Austin McHugh
United States District Court Judge